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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) No. 4183 of 2007

Petitioner		Seema Gambhir, D/o Shri B. S. Gambhir, age about : 27 yrs. Occupation : Student, R/o: Tikara-Para, Mannu Chowk, Bilaspur
	Versus	
Respondents	1.	Pt. Ravi Shankar Shukla University, Through Registrar, Examinations}, Raipur
	2.	Chhattisgarh Dental College & Research Institute, at Sundra, Through the Administrator, P.B.No.-25 Rajnandgaon (C.G.)
	3.	The Guru Ghasi Das University, Through Registrar (Exames), Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE. 14, 226 OF THE COSTITUTION OF INDIA, 1950

SB: Hon'ble Shri **Satish K. Agnihotri, J.**

Shri Amiyakant Tiwari, Advocate for the petitioner.

Shri Jitendra Pali, Advocate for the respondent No. 1.

ORDER

(Passed on this 21st day of August, 2007)

With the consent of the parties, the matter is heard finally.

1. The petitioner is a student of B.D.S course, studying in the Chhattisgarh Dental College & Research Institute, Sundra, Rajnandgaon. She appeared in the annual examination 2006 for final year of B.D.S. course, the result thereof was declared in July, 2006. The petitioner was declared as failed in two subjects namely (i) Prosthodontics, Crown and Bridge, and (ii) Oral Medicine Diagnosis and Radiology. Being dissatisfied with the declaration of result, the petitioner applied for revaluation. The petitioner was intimated by the respondent No.1/University that there was no variation in the results. Thereafter the petitioner appeared in the supplementary examination, 2007 in above two subjects. In the

supplementary examination the petitioner cleared the subject Prosthodontics, Crown & Bridge but was declared as failed in the subject of Oral Medicine Diagnosis and Radiology. Being aggrieved, the petitioner has filed this petition seeking relief, as under:-

> "7.1 That, the respondent no.1 may kindly be directed to produce the answer Shits relating to the subject of Oral Medicine Diagnosis and Radiology of the petitioner.
>
> 7.2 That, on the above facts and circumstances the papers of Oral Medicine Diagnosis and Radiology may kindly be directed to recheck, reassess or revalued by independent Expert Examiner Committee of respondent no.3 and accordingly the results of the petitioner may kindly be directed to be modified by the respondent no.1."

2. Shri Amiyakant Tiwari, learned counsel appearing for the petitioner submits that the petitioner has done the examination so well as she cannot be declared as failed in the above subject. Thus, the respondent/University be directed to recheck, reassess or revaluate said paper by the independent expert examiner committee of the respondent/University.

3. Shri Jitendra Pali, learned counsel appearing for the respondent No.1/University submits that there is no provision for revaluation, rechecking or reassessment of the answer sheets under the University Ordinance No. 6 (26)(2) which specifically states that a candidate who has appeared either in part of a supplementary examination in any of the subjects or papers as a backlog shall not be eligible to apply for revaluation.

4. Learned counsel further relied on a decision of this Court in the matter of **Sanjeev Kumar Sahu Vs. Indira Gandhi Krishi Vishwavidyalaya, Raipur** {2006 L.T. (CG) 7} , wherein the identical facts were involved, this Court observed as under:-

> ".....it is fairly well settled by a catena of decisions of the Supreme Court starting from the Judgment in the case of Maharashtra State Board of Secondary and Higher Secondary Education and another v. Paritosh Bhupesh Kurmarsheth etc.[1] that it is not the right of any student who appears for an examination either to seek re-totalling of the marks obtained by him or revaluation of the answer script unless the rules and regulations provide for it. The High Court is not an expert to assess the answer script in the subject of EMA-111 (Engineering Mathematics). The assessment of answer script in the subject of EMA-111 (Engineering Mathematics) is very much within the domain of the expert in that discipline. The High Court by merely perusing the answer script would not be in a position to decide whether the answer script is properly assessed or not. ....."

5. In the light of the above decision and otherwise also there is no merit in the case as the basis of the petitioner's relief is not supported by any material documents but on the basis of the self same statement that the petitioner has done very well and it appears that some portion of the answer sheet has not been examined by the examiner.

6. In the result, the petition is dismissed. There shall be no order asto costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur